

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1525/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	24/10/2022	<p>The appeal of Mr. Zulfiqar Ahmad presented today by Mr. Adnan Khan Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>25-10-22</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>
	25 th Oct., 2022	<p>Counsel for the appellant present. He sought time for production of transfer history ^{and tenure of postings} of the appellant. Granted. To come up for preliminary hearing on 02.11.2022 before S.B.</p> <p>(Fareeha Paul) Member(E)</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR**

Service Appeal No. 1525 /2022

Zulfiqar Ahmad. **APPELLANT**

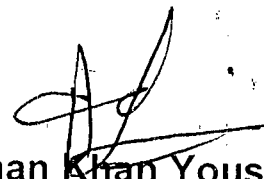
VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others. **RESPONDENTS**

I N D E X

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Appellant
Through



Adnan Khan Yousafzai
Advocate High Court
Cell: 0342-9028803

Dated: 24.10.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. 1525 /2022

Zulfiqar Ahmad, Junior Clerk (BPS-11), PHE Division,
Mardan. **APPELLANT**

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary, Public Health Engineering, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Chief Engineer (Center), Public Health Department, Peshawar.
4. The Executive Engineer, Public Health Engineering Division, Mardan Division.
5. Mr. Abdul Salam, MPA Mardan – PTI.

.....**RESPONDENTS**

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974,
WHEREBY DEPARTMENTAL APPEAL FILED BY
APPELLANT AGAINST HIS TRANSFER ORDER DATED
20.10.2022, WAS REJECTED BY THE RESPONDENT
NO.3 ON 21.10.2022.

PRAYER:

On acceptance of this Service Appeal, the order dated 20.10.2022 may kindly be set aside/set at naught and the appellant may kindly be allowed to perform his duties as Junior Clerk PHE Division, Mardan.

Respectfully Sheweth:

Brief facts giving rise to the present appeal are as under;

1. That the appellant is the employee of Public Health Engineering and recently serving at Mardan Division, as Junior Clerk and rendered commendable services throughout his tenure with unblemished reputation.
2. That through Office Order No.36/CE-2/PHE, dated 20.10.2022 the appellant was transferred from Junior Clerk, PHE Division Mardan to Junior Clerk, PHE Division Swabi. (Copy of Office Order is annexure "A").
3. That the appellant as per the law, filed departmental appeal before the respondent No.3 on 21.10.2022, which was rejected on the same day, vide order dated 21.10.2022. (Copies of Departmental Appeal and Order dated 21.10.2022 are annexure "B" & "C" respectively).
4. That having no other remedy, the appellant is constrained to file the instant appeal, on the following grounds;

GROUND S:-

- A. That the impugned transfer order and action/ inaction of the respondents are purely politically motivated, based on malafide and in utter disregard to the fundamental rights as enshrined in the constitution of Pakistan, 1973.
- B. That it is very much pertinent to mention that earlier on 17.01.2022, the appellant was transferred from PHE Circle Mardan to PHE Division Mardan at the behest of respondent No.5 just to adjust his blue-eyed employees who has supported and voted in favour of his political party.
- C. That the recent transfer order made by the respondents against the appellant is sheer abuse of process of law, misuse of authority and against natural justice, hence is ineffective upon the rights of appellant.
- D. That in such like situation, the appellant cannot perform his duties due to the mental stress and agony given by the respondents, which hamper the duties/job of the appellant towards his department.
- E. That in view of the above referred facts the appellant has not been treated in accordance with law rather

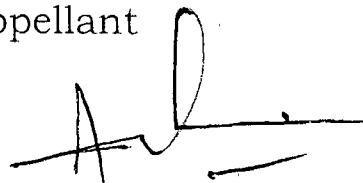
he has been discriminated in order to adjust the blue-eyed employees of the said department recommended by respondent No.5 who are affiliated with his political party.

- F. That not obeying the illegal orders especially during the recent election held in Mardan of respondent No.5 by appellant, which resulted in the instant transfer order, which is purely politically motivated and based on malafide in order to gain the ulterior motive and just to punish the appellant.
- G. That the appellant seeks permission to advance any other grounds and proof at the time of hearing.

It is, therefore most humbly prayed that on acceptance of this Service Appeal, the order dated 20.10.2022 may kindly be set aside/set at naught and the appellant may kindly be allowed to perform his duties as Junior Clerk, PHE Division, Mardan.

Any other remedy deem proper, in the circumstances of the case may please be ordered.

Through Appellant



Adnan Khan Yousafzai
Advocate High Court

Dated: 24.10.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

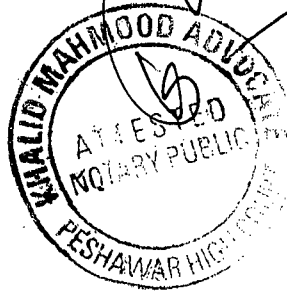
Zulfiqar Ahmad. **APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others. **RESPONDENTS**

AFFIDAVIT

I, Zulfiqar Ahmad, Junior Clerk (BPS-11), PHE Division, Mardan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT
CNIC: 16101-7732752-1
Cell: 0334-5615701

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

In Re:

Service Appeal No. _____/2022

Zulfiqar Ahmad. **APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others. **RESPONDENTS**

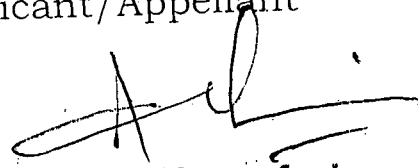
APPLICATION FOR SUSPENSION OF THE
IMPUGNED ORDER DATED 20.10.2022,
TILL THE FINAL DECISION OF INSTANT
APPEAL.

Respectfully Sheweth:

1. That the titled appeal is being filed before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the applicant/appellant has a prima facie case in his favour and he is sanguine of its success.
3. That the balance of convenience also lies in favour of the applicant/appellant.
4. That if the impugned orders are not suspended, the applicant/appellant will suffer an irreparable loss.

It is, therefore, prayed that by accepting this application, the impugned order dated 20.10.2022 may please be suspended, till the final decision of instant appeal.

Through Applicant/Appellant



Adnan Khan Yousafzai
Advocate High Court

Dated: 24.10.2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

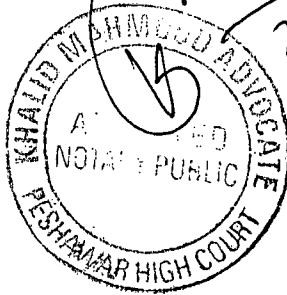
Zulfiqar Ahmad. APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others. RESPONDENTS

AFFIDAVIT

I, Zulfiqar Ahmad, Junior Clerk (BPS-11), PHE Division, Mardan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



DEPONENT

CNIC: 16101-7732752-1
Cell: 0334 5615701

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Zulfiqar Ahmad. **APPELLANT**

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary,
Civil Secretariat, Peshawar & others. **RESPONDENTS**

ADDRESSES OF THE PARTIES

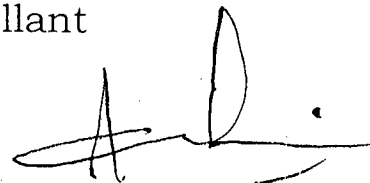
APPELLANT:

Zulfiqar Ahmad, Junior Clerk (BPS-11), PHE Division,
Mardan.

RESPONDENTS:

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. The Secretary, Public Health Engineering, Govt. of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
3. The Chief Engineer (Center), Public Health Department, Peshawar.
4. The Executive Engineer, Public Health Engineering Division, Mardan Division.
5. Mr. Abdul Salam, MPA Mardan – PTI.

Appellant
Through



Adnan Khan Yousafzai
Advocate High Court

Dated: 24.10.2022

Annexur (A)



OFFICE OF THE CHIEF ENGINEER (CENTER)
PUBLIC HEALTH ENGG:DEPTT:KHYBER PAKHTUNKHWA, PESHAWAR
Ph #091-9217528, E-mail: ce@centredt@gmail.com, Plot#49, Sector-B-II, Phase-V, Hayatabad, Peshawar (aziz)

No. 10 / CE-9 /PHE.

Dated Peshawar, the 20/10/2022

OFFICE ORDER

The following posting/transfer of Ministerial Establishment are hereby ordered with immediate effect, in the best public interest.

#	Name	From	To	Remarks
1	Mr. Shafi Raza Joiner Clerk	SDA (OPS) PHE Sub Division Mardan, PHE Mardan	Junior Clerk, PHE Division Buner	Against the existing vacancy
2	Mr. Zulfiqar Ahmad Junior Clerk	PHE Division Mardan	PHE Division Swabi	-do-
3	Mr. Muslim Khan Senior Clerk	Under transfer as Accounts Clerk (OPS) PHE Division Mardan	SDA PHE Sub Division Mardan, PHE Mardan	Vice item No.1

Chief Engineer (Center)

Endst: No. 10 / CE-2 /PHE.

Dated Peshawar the 20/10/2022

Copy forwarded to:

1. The Chief Engineer (North) PHE Department Peshawar.
2. The Superintending Engineers PHE Circle Mardan/Swat.
3. The Executive Engineers PHE Division Mardan/Swabi/Buner.
4. The District Accounts Account Officer Mardan/Swabi/Buner.
5. The official concerned.

Chief Engineer (Center)

Annexur 'B'

مختصر - چیف ایگزیکٹو آفیسر ایف ڈی پی سی کے ذریعہ ایف ڈی پی سی کے منظور شدہ

پہلے بڑے نمبر کے سفارشی منصوبے اور کتابوں

کیا - ملایا - فیصلہ دین کا مشعل ہائیکورٹ کے پاس ہے۔

اور یہ کہ ماٹریوں کی ڈیڑھ ہفتے کے دوران سے شروع ہے۔ اور یہ کہ ماٹریوں کی کتابوں کے فیصلہ دین سے پونہ اور سوالیہ سوالات

بجواز 2010 کو آرڈر 9-10/10-2010 ہے۔ اور یہ کہ ماٹریوں

کتابوں کے فیصلہ اور اس میں سب سے زیادہ سوالات کے لیے ہے

کے تفصیلی مندرجہ ذیل ہیں

2019 سے 2022 تک

نمبر 1 - مردان سے مانسہرہ 2019-01-20

نمبر 2 - مانسہرہ سے ٹوٹکرہ 2019-01-31

نمبر 3 - ٹوٹکرہ سے مردان 2019-06-21

نمبر 4 - مردان سے حوالیہ 2021-04-15

نمبر 5 - حوالیہ سے مردان 2021-09-22

نمبر 6 - مردان سے حوالیہ 2022-01-28

نمبر 7 - حوالیہ سے مردان 2022

نمبر 8 - مردان سے حوالیہ 2022-09-16

نمبر 9 - حوالیہ سے حوالیہ 2022

نمبر 10 - اب مردان سے پونہ 2022-10-20

اور اس طرح ذرا فقار جو پونہ کے لیے ہوئے ہیں ان سے حوالیہ کیا گیا ہے۔ اور یہ کہ ماٹریوں کے لیے

سائنس کے لیے جو ڈیڑھ ہفتے

شیف ایگزیکٹو آفیسر ایف ڈی پی سی سے ڈیڑھ ہفتے کے دوران -
ذرا فقار ایف ڈی پی سی کے ذریعہ

21/10/22



OFFICE OF THE CHIEF ENGINEER
PUBLIC HEALTH ENGG. DEPARTMENT
KHYBER PAKHTUNKHWA PESHAWAR

Dist No. 40 Sector B-2, Government Office & Peshawar (1000) Khyber Pakhtunkhwa, P. O. Box 001, PESHAWAR

Annexur 'C'

No. 36 CE 2 /PH/EC/

Dated Peshawar, the 21 / 10 / 2022.

To: Mr. Zulfiqar Ahmad Janice Clerk,
PH/EC Division Peshawar.

Subject: APPEAL/REPRESENTATION AGAINST ORDER NO.10/CE-2/PH/EC
DATED 20.10.2022 OF CHIEF ENGINEER CENTRE.

Ref: Your Application/Appeal dated 21.10.2022

Refer to your application/appeal under reference. In this regard it is communicated that the subject order has been issued by the undersigned in the public interest. Therefore your appeal after examining thoroughly is hereby rejected due to the said reason.


Chief Engineer